IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27791 of 2007(H)

PETITIONER:

C.S.MADHUSOODANAN, SENIOR ASSISTANT,
ELECTRICAL CIRCLE, CHOTTANIKKARA,
RESIDING AT CHANDRAVILASAM, THEKKETHUKAVALA P.O.,
PONKUNNAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

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1. CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
VAIDUTHI BHAVAN, TRIVANDRUM.

2. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
OFFICE OF THE EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, TRIPUNITHURA.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, CHOTTANIKKARA.

BY STANDING COUSNEL SRI.ASOK M.CHERIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) No. 27791 2007

Dated this the 19th day of September, 2007

JUDGMENT

Aggrieved by Ext.P3 order of transfer from Chottanikkara to Kasargod, the petitioner approached this Court with Writ Petition No.14145/2007. The same was considered and disposed of by this Court as per Ext.P4 judgment.

The operative portion of the judgment reads as follows:

> "This Court can interfere with a transfer order, if only it is ordered in violation of any statutory provision or vitiated by malafides. The petitioner has not made out any such case in the writ petition. If the petitioner is aggrieved by the transfer, he may move the Electricity Board by filing a suitable representation along with a copy of this judgment. In that event, the KSEB will consider and pass orders on it, in accordance with law, within one month from the date of receipt of that representation. There was an interim order in favour of the petitioner. As the same was not extended in time, the petitioner was already relieved. So, if no substitute has been posted, the petitioner shall be re-admitted to duty at Chottanikkara and allow him to continue there for two months or till the Electricity Board takes a decision on his representation, whichever is earlier."

2. The petitioner preferred Ext.P4 before the Chief Engineer. Apart from the grounds raised in relation to the order of transfer, the petitioner also brought to the notice of the Chief Engineer the fact that

he is living with his family and he has an old age mother who is suffering from several illness. He, therefore, sought for revocation of the order of transfer. Ext.P5 representation has been disposed of vide Ext.P8 order and Exts.P3 and P8 are orders under challenge.

3. In so far as the challenge against Ext.P3 is concerned, Ext.P4 judgment stands in the way of the petitioner seeking an interference with the same. As could be seen from the portion of the judgment extracted above, this Court did not deem it fit to interfere with Ext.P2 order of transfer on the premise that it is not vitiated by the presence of any of the exceptional circumstances which will justify an interference with the order of transfer. What remains is therefore the correctness of Ext.P8.

4. Learned counsel for the petitioner contends that relevant factors have not been considered by the Chief Engineer. I do not agree with the said submission. The Chief Engineer has taken note of the fact that the petitioner was transferred along with 14 other senior-most Assistants to the Electrical Circle, Kasargode and such transfer was necessitated on exigencies of service and in public interest. The petitioner had completed 4 years of service in the Electrical Circle, Ernakulam. It is also noted in Ext.P8 that the hardship pointed out by the petitioner is common to many persons.

5. No doubt, the order of transfer may visit the petitioner with

inconvenience and hardship. But as has been often held by this court, transfer is an incidence of service and such hardship, which is personal to the petitioner can hardly be a ground to interfere with the order of transfer or with Ext.P8.

6. Learned counsel for the petitioner submits that in view of the fact that he was served with Ext.P8 Order dated 21.8.2007 only on 17.9.2007, he may not get the normal joining time as is otherwise ordinarily available. Mr.Asok Cherian submits that the petitioner will be entitled to the normal joining time reckoned from 18.9.2007.

Submission is recorded.

The writ petition is dismissed.

V.GIRI, JUDGE

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